



JAN 20 2009

AT 8:30 M  
WILLIAM T. WALSH  
CLERK

Overlook Center - 2nd Floor  
100 Overlook Drive  
Princeton, NJ 08540  
609-924-3333 Main  
609-924-4144 Fax  
www.postschell.com

Quinn M. McCusker

qmcusker@postschell.com  
609-375-2034 Direct  
File Number: 134347

January 16, 2009

VIA FAX

The Honorable Tonianne J. Bongiovanni  
United States District Court  
Clarkson S. Fisher Federal Building &  
U.S. Courthouse, Room 6052  
402 E. State Street  
Trenton, New Jersey 08608

RE: Scottsdale Insurance Company vs. Somerville Fidelco Associates, L.P., et al.  
DOCKET NO. 07-CV-02763

Dear Judge Bongiovanni:

As you know, Your Honor ordered this matter be submitted to mediation. Since the last status conference in December, the parties have come to an agreement to use Judge Keefe of Keefe Bartels & Clark in Red Bank to mediate the case.

I just received word from Judge Keefe's office that they have completed their conflicts check and we are set to move forward. Judge Keefe had 3 dates available in April, but these dates did not work for everyone. Judge Keefe's next opening is May 12, 2009 at 10:00 a.m. His office has that date reserved for us and I have written to all counsel as to their availability. I received one "yes", but no other responses.

As indicated, Judge Keefe was our first choice. If Your Honor feels this date is too far out, I would certainly be willing to try and set something up with one of the other mediators we discussed.

As always, I thank you for your professional courtesy and assistance in this matter.

Respectfully submitted,

A handwritten signature of Quinn M. McCusker in black ink.

Quinn M. McCusker

*The parties shall provide this  
Court with a report on Mediation  
no later than May 15, 2009.*

cc: Jay J. Rice, Esquire

So Ordered this 16 day  
of January, 2009